

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.
JOSE ISRAEL ZAMBRANO-RIVERA,

Defendant.

CASE NO. 02cr2976 JM

ORDER DENYING MOTION FOR
RETURN OF PROPERTY

Defendant Jose Israel Zambrano-Rivera moves for the return of property allegedly seized by the Government at the time of his arrest. Defendant seeks the return of \$900, 360 Colombian pesos, one suitcase, and one wallet with documents. Defendant also represents that none of the property was subject to forfeiture.¹

The Government responds with the declaration of Lauren A. Carney, the DEA Special Agent responsible for the present case. Agent Carney declares that the only money seized in this case was \$2,000 from co-defendant. The \$2,000 was subsequently forfeited to the United States after notice was provided to all interested parties, including Defendant herein. Defendant did not make a claim to the money. With respect to the suitcase and wallet, the Government establishes that no suitcase or wallet was seized from Defendant. Further, with respect to the wallet, Defendant told interviewing agents that the wallet sank in the ocean and that he was told to leave his identification documents,

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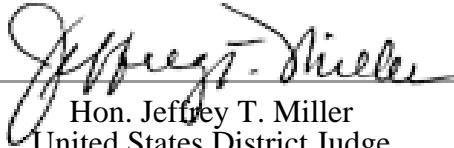
¹ The court notes that the document submitted by Defendant contains a defective declaration in that Defendant's signature precedes, rather than follows, the attestation.

1 including his passport, before departing on the go-fast vessel. Based upon this evidentiary record,
2 the court concludes that the Government does not possess any of the property sought to be returned.

3 In sum, the motion for return of property is denied.

4 **IT IS SO ORDERED.**

5 DATED: February 20, 2007



Hon. Jeffrey T. Miller
United States District Judge

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7 cc: All Parties

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